

## REMARKS

1. Applicant thanks the Office for its remarks and observations which have greatly assisted Applicant in responding. Applicant particularly appreciates the Office's advice regarding amendment of Claims 1 and 25.

2. **35 U.S.C. § 103**

Claims 1, 5-8 11, 13, 17-20 and 23-25 are rejected as being unpatentable over U.S. patent application publication no. 2003/0182391 ("Leber") in view of U.S. patent no. 7,139,798 ("Zircher"). Applicant respectfully disagrees and incorporates its previous remarks regarding the combination Leber/Zircher herein by this reference thereto.

Additionally, The Office relies on Leber's abstract and Zircher, col. 10, lines 2-5 as teaching or suggesting: the automated agent "asking a series of questions to said messaging client to determine intent." Applicant respectfully disagrees. Applicant notes the Office's explanation of its rationale for the present finding on pages 3 and 4 of the Office Action. The Office incorrectly concludes that the combination of Leber/Zircher teaches or suggests the Claim feature because both references disclose a bot that "sends and interacts" with a messaging client that is "capable" of asking a series of questions to a messaging client. Applicant notes that the capabilities ascribed to Leber's and Zircher's bots are no more than passively shuttling information to and from a client. There is no suggestion in the combination of a bot that is capable of anything other than this passive shuttling. There is no suggestion of an automated agent that is "capable of asking a series of questions to said messaging client to determine intent." Leber's bot is incapable of doing anything but accepting an information request, directing it to a database and formatting the retrieved data before routing it to the client. Zircher's bot is incapable of doing anything but directing an invitation to a client and answering questions put to it by using keywords to select a correct response from a FAQ.

Nonetheless, Claim 1 is amended to describe:

"A system for manipulating and updating data in a backend system, said apparatus comprising:

a messaging client for exchanging messages over a network with a messaging server to and from other messaging clients and said backend system; and

an automated agent for:

accepting requests and issuing responses;

obtaining and using data input from said messaging client to determine

said manipulating and updating of data;

asking a series of questions to said messaging client to determine intent; and

initiating messaging communications to said other messaging clients and mediating a discussion related to said input data;

said automated agent being coupled between said messaging server and said backend system."

Even if the contention that a bot as taught by Leber/Zircher possessed the capabilities ascribed to it by the Office were correct, there is no teaching or suggestion in the combination of a system such as in amended Claim 1 that includes an automated agent having the above features. Accordingly, the present rejection is deemed improper/overcome.

Claim 13 is amended in similar fashion to Claim 1. Therefore, even if the rejection of Claim 13 had not been improper, it would have been overcome by the current amendment.

Claim 25 is amended in the same manner as Claims 1 and 13. Therefore, even if the rejection of Claim 25 had not been improper, it would have been overcome by the current amendment.

### 3. **35 U.S.C. § 101**

Claim 25 is rejected as being directed to non-statutory subject matter. More particularly, the subject matter of Claim 25 is alleged to constitute software *per se*, which does not fall into any of the statutory categories of invention. Applicant amends Claim 25 to describe:

"A computer readable storage medium encoded with instructions, which when loaded into a digital computational device establishes a robot agent for receiving Instant Messages from a first user-client and responsively interacting between the first user-client, a calendar server system, and other user-clients to enable each of

the user-clients to enter queries and updating data into, and to receive queries and data from, the calendar server system;

said robot agent including means for:

asking a series of questions to said messaging client to determine intent; and

initiating messaging communications to said other user-clients and mediating a discussion related to data input by said first-user client.” Support for the amendment is implicit in the Specification. The skilled practitioner would readily recognize that a system such as that described by the Specification would include a plurality of software elements, each comprising computer-readable instructions embodied on one or more computer-readable storage media, which, when executed, establish a particular element of the system.

Applicant amends the Specification to explicitly describe that which was already implicitly described. No new matter is added to the Application by way of such amendment.

It is well settled that a storage medium embodying code for implementing a particular system or element constitutes an article of manufacture and is therefore statutory subject matter. The present rejection is therefore deemed overcome.

6. No new matter is added by way of the above amendments. The above amendments are made solely for expediency in recognition of the Office policy of compact prosecution. Such amendments do not constitute agreement by Applicant with the Examiner's position, nor do they reflect intent to sacrifice claim scope. In fact, Applicant expressly reserves the right to pursue patent protection of a scope it reasonably believes it is entitled to in future submissions to the Office.

7. For the record, Applicant respectfully traverses any and all factual assertions in the file that are not supported by documentary evidence. Such include assertions based on findings of inherency, assertions based on official notice, and any other assertions of what is well known or commonly known in the prior art.

## CONCLUSION

In view of the foregoing, the Application is deemed to be in allowable condition. Applicant therefore respectfully requests reconsideration and prompt allowance of the claims. Should the Examiner find it helpful, he or she is encouraged to contact the Applicant's attorney Michael A. Glenn at (650) 474-8400.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Michael A. Glenn', with a stylized, sweeping flourish at the end.

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